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KILPATRICK STOCKTON LLP  
ATTN: JEFFERY B. ARNOLD  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA GA 30309-4530

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OFFICE OF PETITIONS

In re Application of  
Robert D'Amato  
Application No. 09/545,139  
Filed: April 7, 2000  
Attorney Docket No. 05213-0650

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 25, 2002 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid January 2, 2002, with a Certificate of Mailing dated November 20, 2001, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

The application is being forwarded to Technology Center 1600 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy  
(703) 305-9220

<sup>1</sup>The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.